

REMARKS

This Amendment is in response to the Final Office Action mailed August 21, 2007. Applicant has filed a Request for Continued Examination to have the Office withdraw the finality of the Office Action and have this submission entered and considered. Claims 1, 12, 17, and 23 have been amended. No claims have been cancelled or added. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1, 7-10, 27 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Sofer, et al. (U.S. Patent No. 6,920,487) in view of Wang, et al. (U.S. Patent No. 5,365,520 and further in view of Larsson (U.S. Patent No. 6,304,757). Applicants respectfully disagree.

Sofer describes a method and system for routing a phone call based upon a “short code” to a service provider (Sofer, Column 3, lines 11-22). For example, when a user enters a code, such as “8472” for VISA, the short code is matched with VISA’s phone number in a database (Sofer, Column 6, lines 6-34). The user’s phone call is then routed to VISA using VISA’s phone number. When a user is roaming, a short code may collide with an identical short code that points to a different number (Sofer, column 6, liners 36-42). In this case, either a default routing choice is used to route the call, or a user may interactively choose which route the call will take (Sofer, column 6, liners 36-42). In either case, a user’s connection is maintained so that an active call can eventually be routed by the system of Sofer to its destination.

Wang describes routing device communication through a constellation of satellites utilizing specific message packets (Wang, Column 5, lines 35-59). The communications system described by Wang is packet based, where each packet includes pieces of information such as location of message receiver, location of message sender, characterization of the content, and content (Wang, Figures 6-9; Column 12, lines 12-35). The packets described by Wang merely illustrate the format of packet based data transmission.

Larsson describes updating a database with a current location of a subscriber device by placing a call to a phone system (Larsson, Column 8, lines 45-60). However, to avoid incurring a charge for providing an information update, the call is noted by a telephone exchange without answering the call (Larsson, Column 8, Lines 53-57).

Amended claim 1 recites:

A method comprising:
receiving a call of a service dialed number from a mobile device;
determining, from the call, a subscriber identifier;
terminating the call upon receipt of the service dialed number, and prior to the call being answered;
upon the call being terminated,
selecting a response to the call based upon the service dialed number, the service dialed number containing at least a first segment and a second segment, the first segment representing a unique code used by the mobile operator to route the call and the second segment representing a unique code that identifies the service; and
initiating a dialog between a server identified by the first segment upon the selecting and the mobile device, after the call has been terminated, based on the selected response and the determined subscriber identifier.

(Emphasis Added)

That is, claim 1 recites receiving a call of a service dialed number. From the call a subscriber identifier is determined and the call is terminated. Upon the call being

terminated, a response is selected based upon the service dialed number, and a dialog is initiated after the call has been terminated based on the selected response, the identified server, and subscriber identifier.

“To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations” (MPEP 706.02(j); *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Because none of the initiate or maintain any form of dialog between a server, identified in a service dialed number, and mobile device after a call has been terminated, the Applicants submit that the references, alone or in combination, fail teach or suggest “initiating a dialog between a server and the mobile device, after the call has been terminated, based on the selected response, the server identified by the first segment upon the selecting, and the determined subscriber identifier,” as claimed.

Sofer describes routing active telephone calls via a dialed shortcode in order to allow the user to place and maintain a phone connection with a VPN server while the user is roaming (Sofer, column 6, lines 6-28). Wang routes data via a constellation of satellites to maintain a call's connection during transmission via the satellites (Wang, column 12, lines 12-35). Thus, in both references, any dialog or routing between a phone and an identified server, satellite, VPN service, etc. is explicitly taught as being done while a call is being active. Furthermore, in each reference the calls are required to be active in the references so that a telephone user may connect to the service or person that they have dialed. Thus, both Sofer and Wang are completely silent as to initiating or performing any phone to server dialogs after a call has been terminate, because both references teach and require maintain a phone connection.

The Examiner introduces Larsson as teaching a call being terminated before a telephone exchange unit has answered the call (*See* Final Office Action, mailed 8/21/2007, pages 3 and 11-12). Although Larsson describes recording a caller identification number and terminating a call before it has been answered, Larsson is completely silent as to any phone/server communication, let alone initiating a dialog based upon a service dialed number after a call has been terminated.

The Examiner states "Larsson teaches terminating a connection before the telephone exchange unit has answered the call (C. 8, L. 53-60), thereby indicating contacting (initiating a dialog) a subscriber after the subscriber has terminated the call" (Final Office Action, mailed 8/21/2007, page 12). In the passage cited by the Examiner, Larsson recites:

So that this "indication" can be made without cost to the telephone exchange unit, it is proposed that a call established over the available telephone system shall only be noted by the telephone exchange and without this answering or needing to answer the call.

This can be done by letting the subscriber apparatus 8, through the circuit 43, terminate the connection before the telephone exchange unit 1 has answered the call, or by adapting the circuits in the telephone exchange unit to not answer calls.

(Emphasis Added)

Thus, Larsson either utilizes a telephone system to notify an exchange unit to terminate a call, or configures the exchange unit to not answer a call. Neither configuration described by Larsson, however, initiates a dialog between an identified server and a subscriber or mobile device. At best, any dialog described by Larsson is between a telephone system and a telephone exchange unit, but not a subscriber's telephone and a server identified by a service dialed number. Thus,

Larsson also fails to describe or suggest “initiating a dialog between a server identified by the first segment upon the selecting and the mobile device, after the call has been terminated, based on the selected response and the determined subscriber identifier.”

Therefore, Sofer, Wang, and Larsson, alone or in combination, fail to describe or suggest each and every limitation as claimed by the Applicants.

Applicants respectfully submit that all applicable rejections to independent claim 1, as amended, have been overcome and request withdrawal of the rejections under § 103.

Furthermore, independent claim 27, as amended, includes similar features and limitations to those discussed above with respect to claim 1. Thus, for similar reasons, the Applicants respectfully request withdrawal of the rejections of claim 27. Dependent claims 7-10 depend from claim 1, and include additional features and limitations, thus for similar reasons to those advanced above with respect to claim 1, the Applicants request withdrawal of the rejections of claims 7-10. Dependent claims 31-33 depend from claim 27, and include additional features and limitations, thus for similar reasons to those advanced above with respect to claim 27, the Applicants request withdrawal of the rejections of claims 31-33. The Applicants respectfully submit that for at least the reasons discussed above, claims 1, 7-10, 27, and 31-33 are now in condition for allowance and such action is earnestly solicited.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 7-10, 27 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Sofer, Wang, and Larsson.

The Examiner rejected claims 4, 5, 12, 15-21, 23, 25, 26, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang, and further in view of Larsson, and further in view of U.S. Patent App. Pub. No. 2002/0131404 of Mehta et al. (hereinafter “Mehta”). Applicants respectfully disagree.

Independent claims 12 and 23 include limitations similar to those discussed above with respect to claims 1 and 27. Thus, for similar reasons to those discussed above, Sofer, Wang, and Larsson fail to describe or suggest initiating a dialog after receiving and terminating a call, as claimed in claims 12 and 23. Furthermore, Mehta describes allowing a mobile device user to specify a Universal Resource Locator of a file to be downloaded to a mobile device (Mehta, paragraph 0064). After a subscriber of a network receives a notification that an update is available, the subscriber can request updated software for his or her mobile device. If the subscriber's user profile accompanying the current request is verified, the subscriber is provided with the updated software (Mehta, paragraphs 0110, 0138). However, merely verifying a user profile and supplying requested software to a mobile device fails to describe or suggest initiating a dialog between a server and a mobile device upon receipt of a service dialed number and after the call has been terminated.

Therefore, Sofer, Wang, and Mehta, alone or in combination, fail to describe or suggest each and every limitation of independent claims 12 and 23. Furthermore, since dependent claims 4, 5, 15-21, 26, 28, and 29 dependent from one of independent claims 1, 12, 23, and 27, dependent claims 4, 5, 15-21, 26, 28, and 29 are also not rendered obvious by Sofer in view of Wang, and further in view of Mehta.

Furthermore, with respect to the invention as claimed in claim 5, Applicants claim in part “selecting, based upon the set of capabilities, a format, through which the mobile

device is capable of communicating, for the dialog" (emphasis added). Applicants respectfully submit that this is not shown in Mehta. As discussed above, Mehta provides a system where software updates are communicated to a mobile device, upon a profile being verified. The Examiner notes that Mehta describes compatible file formats for software updates and cites Mehta at paragraph [0148] (See Final Office Action, page 8). However, in the noted passage Mehta states:

[0148] FIG. 27 is an example flow diagram of processing performed by a Package Application routine of a Deployment Manager. (See, for example, step 2304 in FIG. 23.) In step 2701, the routine accesses the retrieved subscriber device profile to determine compatible file formats for the identified subscriber device. In step 2702, the routine determines whether the subscriber device is capable of reading compressed files and, if so, proceeds to step 2703, else proceeds to step 2704. In step 2703, the routine compresses the provisioned application for the purpose of minimizing transmission time and the number of bytes transmitted. In step 2704, the routine packages the application using a determined file format by encapsulating the provisioned application with information sufficient to enable the Handset Administration Console (See, for example, the Handset Administration Console of FIG. 2) executing on a wireless device to extract the application. As described earlier, one format preferred by many Java-enabled wireless devices is compressed JAR files. In some cases, however, the application needs to be distributed to the device in smaller packets, which are reassembled on the wireless device for installation. The Billing Manager, discussed below with reference to FIG. 28, also relies on the encapsulating information for billing and routing purposes. After the application has been packaged, the routine returns.

(Emphasis Added)

Thus, Mehta provides for determining what file format types for software updates a mobile device is capable of installing on the device. Mehta, however, makes no reference to determining a format for a dialog between a server and mobile device. There is no indication or hint that any dialog format is considered by Mehta. In view of this, Applicants respectfully submit that the limitations, as claimed in claim 5, is not taught or

suggested by Mehta. Since the Examiner has stated that Sofer, Wang, and Larsson also fail to teach or suggest the limitations of claim 5 (Final Office Action, mailed August 21, 2007, page 8), claim 5 is not rendered obvious by Sofer, Wang, Larson, and Mehta.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 4, 5, 12, 15-21, 23, 26, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Sofer, in view of Wang, further in view of Mehta, and further in view of Larsson.

The Examiner rejected claims 6, 17, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang, and further in view of Mehta, and further in view of Larsson. As discussed above, with respect to independent claims 1, 12, and 27, from which claims 6, 17, and 30 depend, none of the references, alone or in combination, describe or suggest each and every feature as claimed by the Applicants in claims 1, 12, and 27. Since claims 6, 17, and 30 include additional features and limitations, claims 6, 17, and 30 are also not rendered obvious by the references. Applicants respectfully request that the Examiner withdraw the rejection of claims 6, 17 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Sofer, in view of Wang, further in view of Mehta, and further in view of Larsson.

The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang, and further in view of U.S. Patent No. 6,751,454 of Thornton (hereinafter "Thornton"). The Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang in view of Mehta, and further in view of Thornton. As discussed above, with respect to independent claim 1, neither Sofer nor Wang, alone or in combination, describe or suggest initiating a dialog between a mobile

device and a server after both receiving and terminating a from the mobile device.

Similarly, as discussed above, with respect to independent claim 12, Sofer, Wang, and Mehta similarly fail to describe the limitations of claim 12. Thornton describes sampling multimedia objects on a cell phone according to the instructions of various servers (Thornton, Abstract). However, a mobile device which performs operations according to the direction of a server fails to describe or suggest initiating a dialog between a mobile device and a server after both receiving and terminating a from the mobile device, as claimed in independent claim 1, and as similarly claimed in independent claim 12. Thus, Sofer, Wang, and Thornton, alone or in combination, fail to describe or suggest each and every element of claim 1. Since claim 11 depends from claim 1, and includes additional features and limitations, claim 11 is also not rendered obvious by the combination of Sofer, Wang, and Thornton. Furthermore, Sofer, Wang, Mehta, and Thornton, alone or in combination, also fail to describe or suggest each and every element of claim 12, from which dependent claim 22 depends. Thus, claim 22 is also not rendered obvious by Sofer, Wang, Mehta, and Thornton. The Applicants respectfully request withdrawal of the rejections of claims 11 and 22.

CONCLUSION


Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 720-8300.

Respectfully submitted,

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